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December 13, 2023

Via ECF

Hon. Andrew E. Krause
The Hon. Charles L. Bricant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, New York 10601-4150

Re: *Jones v. City of Mt. Vernon et al.*, 7:22-cv-00414 (NSR) (AEK)

Dear Judge Krause,

Our office represents Plaintiff Ronald Jones and we write, jointly with the Defendants, to update the Court regarding the parties' progress in discovery and to request an extension of the time to complete discovery, which was December 8, 2023.

We ask that discovery be extended to January 31, 2024, which is slightly longer than what was discussed at the last conference, but we submit there is good cause for this additional time, for several reasons.

First, three of the party depositions are complete, Plaintiff and two of the officers. The third officer was busy doing K9 training, and could not appear within the current discovery schedule. Originally, he was to appear on December 15th, but the officer had an unexpected conflict, and the deposition has been rescheduled to December 21st.

Second, during the first two officer depositions, we discovered a handful of documents that appear to be missing from discovery. Plaintiff provided Defendants with a punchlist of these documents, Defendants are in the process of determining whether they exist and whether there are any objections, and the parties will work to resolve any disputes.

Third, it appears that there was an attempt to locate surveillance video at the location of the original arrest, a large set of apartments that were public housing, but are now managed by a private company. This police action does not appear in the documents, so Plaintiff is going to subpoena the management company for any records, and video.

Fourth, Plaintiff would like to take testimony from the officer who performed the actual DNA swabs on the gun that Plaintiff was accused of possessing. It does not appear to be any of the individual Defendants, and may be someone at the Westchester County forensics lab.

Finally, Defendants would like to subpoena Plaintiff's parole and probation records relative to the underlying incident.

We recognize that this discovery was not discussed at the prior court conference, but the depositions have been informative for both sides, and these discrete new areas of discovery were not readily apparent beforehand, which we submit gives good cause for the additional time to complete discovery. Further, given that some of this discovery is likely going to be incorporated into Plaintiff's DNA expert's report, we submit that an extension of the expert discovery schedule is also warranted, with expert reports due February 5, 2024, rebuttal reports due March 5, 2024, expert depositions completed by April 5, 2024, and all discovery completed by the next business day, April 8, 2024.

This is the first request to extend the Initial Conference Order issued on October 3, 2023, and all parties join in the request.

We appreciate the Court's time and attention to this matter.

Respectfully,

/s/

Rob Rickner